

**UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF OHIO  
EASTERN DIVISION**

**DEXTER ROBERTSON,**

**Plaintiff,**

**v.**

**Civil Action 2:12-cv-496  
Judge James L. Graham  
Magistrate Judge Elizabeth P. Deavers**

**ROBIN R. MCMILLER,**

**Defendants,**

**ORDER**

Plaintiff Dexter Robertson, an Ohio resident proceeding without the assistance of counsel, brings this action against Defendant Robin R. McMiller, a Texas resident, asserting that Defendant has wrongfully accepted child support payments in violation of their divorce contract. On July 23, 2012, the Court referred this matter to the United States Magistrate Judge for a Report and Recommendation pursuant to 28 U.S.C. § 636(b) on the issue of whether this Court has jurisdiction over the claims alleged in the Complaint. (ECF No. 7.) This matter is before the Court for consideration of the September 7, 2012 Report and Recommendation of the Magistrate Judge. (ECF No. 8.) The Magistrate Judge recommended that the Court dismiss this action pursuant to Federal Rule of Civil Procedure 12(h)(3) for lack of subject matter jurisdiction.

The Report and Recommendation specifically advises the parties that the failure to object to the Report and Recommendation within fourteen days of the Report results in a “waiver of the right to de novo review . . . by the District Judge and waiver of the right to appeal the judgment of the District Court.” (Report and Recommendation 5, ECF No. 8.) The time period for filing

objections to the Report and Recommendation has expired. Neither party has objected to the Report and Recommendation.

The Court has reviewed the Report and Recommendation. Noting that no objections have been filed and that the time for filing such objections has expired, the Court **ADOPTS** the Report and Recommendation. (ECF No. 8.) Accordingly, the Court **SUA SPONTE DISMISSES** this action pursuant to Rule 12(h)(3) for lack of subject matter jurisdiction. The Clerk is **DIRECTED** to enter judgment and terminate this action.

**IT IS SO ORDERED.**

S/ James L. Graham  
James L. Graham  
UNITED STATES DISTRICT COURT

Date: October 4, 2012